

FARMINGTON CITY COUNCIL MEETING

Wednesday, March 16, 2005

CITY COUNCIL WORK SESSION/EAST CONFERENCE ROOM

PRESENT: Mayor David M. Connors, Council Members Richard Dutson, David Hale, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, and Deputy Recorder Jeane Chipman. Mayor David M. Connors arrived later in the meeting due to obligations at other meetings.

Mayor Protem Holmes began discussion at 6:40 P.M. The following items were reviewed:

Agenda Item #4–Shepard Lane/I-15 Interchange Proposal and Alternatives. Mr. Forbush reported traffic engineers had warned that Park Lane will fail in the future if North Legacy traffic is not routed to I-15. Engineers would present alternatives for the consideration of the City Council during the regular session. A corridor for the connection of North Legacy Highway must be preserved or other roads in Farmington will be negatively impacted.

[Mayor Connors arrived at 6:45 P.M.]

Miscellaneous Item. Mr. Petersen explained there would be a miscellaneous item regarding a boundary error in the Oakridge neighborhood.

Agenda Item #19–Request for joint Planning Commission/City Council meeting pertaining to “The Village at Old Farm” Mayor Connors questioned why the request was being made and suggested that the established process should be observed. Mr. Petersen reported the status of the MNU zone draft. The NMU committee was still working on the draft. The committee should be finished in another week. After discussion, it was the consensus of the City Council that they consider the MNU zone text prior to considering the Village at Old Farm proposal.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor David M. Connors, Council Members Richard Dutson, David Hale, Larry W. Haugen, Susan T. Holmes, Sidney C. Young, City Manager Max Forbush, City Planner David Petersen, City Recorder Margy Lomax, and Deputy Recorder Jeane Chipman.

Mayor Connors called the meeting to order at 7:00 P.M. and offered the invocation. The Pledge of Allegiance was led by **Boy Scout Bruce Musser**, of Troop 1616.

APPROVAL OF MINUTES OF PREVIOUS MEETING

Sid Young moved to approve the minutes of the March 2, 2005, City Council Meeting with changes as noted. **David Hale** seconded the motion. The voting was unanimous in the affirmative.

SWEARING IN OF YOUTH CITY COUNCIL MEMBERS (Agenda Item #3)

Mayor Connors stated that Farmington was very fortunate in having a very active and productive youth group who always give generously of their time and effort for the benefit of the City. They even take turns attending the regular City Council meetings. Mayor Connors also complimented the adult advisers of the group, Tammy Boyce and Pat Bond.

John Crager (Youth City Mayor) introduced the new Youth City Council, after which **Mayor Connors** conducted the swearing-in ceremony.

PUBLIC HEARING: SHEPARD LANE/I-15 INTERCHANGE PROPOSAL AND ALTERNATIVES (Agenda Item #4)

Mayor Connors introduced the agenda item. The public had given a great deal of input. It was always the goal of the City Council to have the maximum amount of public input. The Mayor explained that some decisions are not made by the City Council. However, at all times the City Council wanted to get all the citizen input possible. The decision on Shepard Lane was one such decision not being made by Farmington City Council. The Utah Department of Transportation (UDOT) was ultimately the decision maker for the Shepard Lane design. Sooner or later there will be a northern extension of the Legacy Highway. The first phase of the Legacy Highway coming north ends in Farmington. To the extent that the Highway will continue north, it will commence north at a point in Farmington. From a planning perspective, it was critical that the City try to make such a connection with the least possible impact to the City. There is tremendous development pressure in the western portions of many Davis County cities. Farmington City is no exception, and City officials are working to make sure that all influential parties were focused on the impact transportation corridors will have on Farmington citizens. The transportation design must provide for the ease of the traffic coming from the north and south without impediments. The City had been working with planners and engineers to make transportation connections with the minimum impact on local citizens and roads. The reason for the meeting tonight was to give those making the decisions the benefit of Farmington citizen input. The City had been through years and years of major road construction activity. It was now important to make all that construction interconnect in the best possible way.

Mr. Forbush stated that City officials had met with UDOT officials and had requested they be sensitive to the development that was taking place especially in the west portion of Farmington. The City had spent a great deal of money and time studying economic development, including the importance of Park Lane and development surrounding that highway. There was a need identified for a frontage road system on the west side. The growth in Farmington was so significant immediate attention needed to be given to transportation planning. UDOT had provided funding for the City to have engineers begin studying the Transportation corridor connecting through southwest Kaysville and northwest Farmington to I-15. Horrocks Engineers had been asked to complete this study and to present alternatives.

Russell Youd and Ron Mortimer reviewed the alternative approaches to Legacy Highway North. The Park Lane area was very critical and must not be over-loaded, both from a local Farmington perspective and from a regional traffic standpoint. If Park Lane started to fail, the major highways— I-15, Legacy, and Highway 89— would be negatively affected. That was why there was such a concern to protect the Park Lane interchange. Several alternatives had been studied. Alternatives had also been looked at in Kaysville. There had been enough development in Kaysville that connections in that city were not viable. Therefore, connections had been studied further south, specifically in Farmington. Mr. Youd showed the alternatives for the proposed Shepard Lane connection and discussed the advantages and disadvantages of each. Five of the proposed alternatives used the same footprint through west Farmington. He stated it would be imperative to have that corridor preserved. The other request was that the City give direction to the engineers which of the alternatives was preferred.

Matthew Swab (UDOT representative) stated that it was obvious that the Legacy terminus will be in Farmington. It was critical that a corridor be preserved for that Legacy Highway.

Public Hearing

Mayor Connors opened the meeting to a public hearing. As in other public hearing meetings of intense community interest, the Mayor commented that it was traditional and expected of all citizens that they make their remarks in a rational and civil manner, with respect and courtesy for all points of view.

Neil Bradshaw (1500 West Shepard Lane) asked questions regarding the proposed designs presented by the engineers. He made the comment that if the round about on Shepard Lane was constructed, he would accept that decision. The round about would be on property now occupied by his home.

Mayor Connors stated that the City had given the engineers direction that options presented must have the very least impact on the local traffic. The City Council asked that the interchange connection not have full access, thus eliminating at least part of high traffic impact to local roads.

Paul Hayward (1663 West 1410 North) read a letter from Bob McKeen (1351 North 1670 West) who was unable to attend the meeting. The letter stated Mr. McKeen had chosen to live in Farmington sever years earlier and was pleased with the quality of the town. However, Mr. McKeen felt that the Oakridge Farms neighborhood was losing its rural atmosphere. He was concerned about what he saw as an end run regarding the development in the west. He also felt the reconfiguration of Shepard Lane and the change in zoning laws had been done for the profit of developers without consideration of existing citizens. Mr. McKeen was opposed to high density development on the west side of I-15. Such developments would benefit those who build the homes and then leave them behind. He asked that the area be carefully planned and that low density be preserved.

Paul Hayward (1663 West 1410 North) stated that the only logical location for the Legacy Highway connection was the rest stop area in Kaysville. Kaysville City should take their fair share of the burden of the highway construction and impact. Mr. Hayward also commented that the flyover design presented by the engineers was a good idea. There was no reason for the Legacy connection to tie into Shepard Lane and there was no need to allow the development of high density housing. He also stated that West Valley City had imposed user fees for apartments because of the increased need for police protection for such housing. If Farmington City cannot afford to upgrade their fire station, they cannot afford to purchase the highway corridor requested, especially when such a corridor will not benefit its citizens.

George Mortimer suggested that the interchange be placed at Glovers Lane with connections going west and not east. He had prepared documents describing his proposal, which he distributed to UDOT and City officials.

Bruce Richards (1184 North 1500 West) stated that he appreciated the openness of the City Council to listen to the concerns of the citizens. He felt that the City Council had done a good job in bringing the City to its current state with UDOT. An interchange at Shepard Lane was not appropriate because it was a residential neighborhood. Interchanges are not developed in residential areas. Shepard Lane should not be the first area where a residential community was impaired by an I-15 interchange. There were obviously transportation needs which needed to be met, but they should not all be met at Shepard Lane. There were too many unanswered questions to move ahead with this project. The cost of the land was not affordable to the City. High density housing in the area was unacceptable to the current citizens.

Becky Hayward (1663 West 1410 North) asked specific questions regarding the designs which had been presented by the Horrocks engineers, including when the road would be built.

Mayor Connors responded that the connections were being considered in long range planning and would likely not be construction for 10 to 20 years.

Ms. Hayward then asked about the relationship of the I-15 widening project to the Legacy connection project.

Mayor Connors stated that the widening project had been planned for some time and was not related to the Legacy connection. The widening project would likely happen before construction of the Legacy connection. The City was at a critical point currently because of the need to preserve the corridor

Ms. Hayward raised the concern of the road design which would not allow free access between the east and the west sides of Farmington. Would that cause a problem with emergency vehicle access?

Matthew Andreason commented regarding his concern over the round about design. He said that in England where roundabouts are popular people are used to them, the cars are smaller, and the roundabouts are in restricted spaces. In Farmington, people are not used to them and the design would cause safety problems. He was opposed to the round about design.

Dave Cordero (Kaysville resident) stated that the road designs would impact his neighborhood also. Since the intent of the road design was to allow Legacy connection to I-15, why would the connection need to access Shepard Lane

Chris Bramhall (1644 West 1440 North) was concerned with the notification process of the City. He had only found out about the meeting on Monday night. He felt there were neighbors who did not know about the meeting that would like to make comments. He suggested that the gravity of the issue warranted another public hearing with improved public notification. The decision made would have direct impact on the quality of life for those living in the City. Mr. Bramhall was opposed to all the options presented. He asked that all options be explored to have the project not take place in Farmington. Since the transportation issues were regional, then there should be a regional solution, The corridor should not be preserved in the City. He had a question whether the highway would actually ever be built. If, indeed, Farmington developed over the proposed corridor, the highway would not come to Farmington.

Public Hearing Closed

With no further comments, **Mayor Connors** closed the public hearing and turned the meeting over to the City Council for consideration of the issues.

Mr. Forbush stated that the graphics presented by Horrocks Engineers would be on the City's website for interested citizens.

Mayor Connors stated that this was the first time anyone had seen any of the options. He very much appreciated the comments made. The City Council was committed to a fair and open process including appropriate notice. The City had always tried to get the message out in the *Newsletter* and the local newspapers. Notifications were also on the City's website. City officials were in the practice of doing everything possible to notify citizens of public hearings and would continue to do so. Mayor Connors also stated tonight's meeting would not be the last public hearing held on the issue. He felt the message of the evening was that citizens of Farmington needed to become involved, address the issues, and help come forth with resolutions. Otherwise, other entities would make the decisions. Horrocks Engineers had given informed input and educated suggestions. There will be 30,000 vehicles per day that will be dumped onto the system in the future. A "no-build" alternative was probably the worst option.

Mr. Hale asked Chuck Chapel of the Wasatch Front Regional Council if indeed Farmington had to receive the Legacy connection within the City boundaries, and was it true that Federal agencies would not fund interchanges which were not full access interchanges.

Mr. Chapel responded that the Federal administration does have a concern regarding interchanges constructed without full access, especially new construction. However, in this situation, recognizing the information available, a partial access interchange may be a good alternative.

PUBLIC HEARING: CONSIDERATION OF AMENDMENT TO STEED CREEK ESTATES SUBDIVISION BY ADDING ONE LOT WITH RELATED ORDINANCE TO VACATE PORTIONS OF 5 LOTS/DAVID PETERSEN (Agenda Item #5)

Packet material prepared by the City Planner indicated the owner of Lot 7 of the Steed Creek Estates Subdivision previously subdivided and/or adjusted the boundary of his large 3.25 acre lot 5 times, apparently without the approval of the City. Now Dave Frampton (not the owner of Lot 7) was proposing to once again subdivide Lot 7 by creating a new lot over 20,000 square feet in size. The owner of Lot 7 consents to the change. To implement this proposal and to clean up past subdivisions and/or boundary adjustments, Mr. Frampton was requesting that the City vacate all of Lots 7, 8, 9, 19, and 20 and record a new plat, Steed Creek Estates Amended, consisting of Lot 201, 202, 203, and 204.

The Planning Commission reviewed this request on March 10, 2005, and recommended that the City Council approve the same. The applicant's petition contains the signatures of all the owners of lots of record within the subdivision. Therefore, some of the notice requirements set forth in State Law do not apply. However, a public hearing must be held before the City Council considers whether or not to approve an ordinance authorizing the Mayor to sign an order to vacate the lots and amend the plat. Furthermore, it was recommended that the amended plat contain all the necessary public utility easements and drainage easements (or sub-surface drain easements) found in the original plat at widths and locations acceptable to the City.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

Dave Frampton stated he had grown up in the neighborhood and wished to stay. Both his and his wife's parents lived on the circle. He had received the signatures of all the neighbors, who were supportive of the action.

Public Hearing Closed

With no further comments, **Mayor Connors** closed the public hearing and turned the meeting over to the City Council for consideration of the issues.

Motion

Rick Dutson moved that the City Council approve Ordinance No. 2005-09, an ordinance authorizing the Mayor to enter an order vacating and amending Lots 7, 8, 9, 19, and 20 of the Steed Creek Subdivision and directing that the same be recorded with the Davis Country Records' Office. **Larry Haugen** seconded the motion, which passed by unanimous vote

PUBLIC HEARING: CONSIDERATION OF SCHEMATIC PLAN APPROVAL FOR SUBDIVISION OF 2 ACRES ON 475 SOUTH STREET/ DAN COOK (Agenda Item #6)

Mr. Petersen explained that Mr. Cook was proposing to develop 2 lots on 2 acres within the "Special Improvement District" area on 475 South Street in west Farmington. It was possible for the applicant to accomplish his objective by doing a simple lot split whereby each lot would be 1 acre in size. However, Mr. Cook was proposing to create 2 half acre lots fronting 475 South with an unbuildable or open space parcel located to the rear of the lots. In order to accomplish this, his proposal must be considered as a conservation subdivision and a deed restriction could be placed on the property limiting development to only 2 dwelling units. On March 10, 2005, the Planning Commission voted to recommend approval of the schematic plan subject to applicable City ordinances and standards and a deed restriction acceptable to the City restricting any residential development of the open space parcel in perpetuity.

Public Hearing

Mayor Connors opened the meeting to a public hearing.

Dan Cook (applicant) stated that he had wanted to preserve open space for horse pasture. He said he may want to build on one of the lots some day. He wanted to sell the other ½ lot to cover the S.I.D. assessment.

Public Hearing Closed

With no further comments, **Mayor Connors** closed the public hearing.

Motion

Susan Holmes moved that the City Council grant schematic approval for dividing a two-acres parcel on property located at 475 South Street subject to conditions set forth in the Planning Commission letter dated March 12, 2005.. **Sid Young** seconded the motion, which passed by unanimous vote.

CONSIDERATION OF BOB STEED PROPOSAL TO MAKE FURTHER ALTERATIONS TO "BRASS COMB/OLD MILLENARY SHOP" BUILDING AND TO CONSTRUCT AN

ADDITION THERETO/DAVID PETERSEN (Agenda Item #7)

Mr. Petersen stated that in a previous action, the Planning Commission had delegated review and approval of design modifications of the “Brass Comb” building to the City Planner. In review of the designs, it was noted that the building was subject to deed restrictions on the property. Because of the deed restrictions, the City Council must approve most exterior design modifications after receiving a recommendation from the Planning Commission and the Historic Preservation Commission. Mr. Petersen reported Bob Steed (applicant) was requesting approval from the City Council to make modifications to the exterior of the “Brass Comb” building pursuant to requirements set forth in the deed restriction. The Planning Commission reviewed this request and approved a motion recommending the same on March 10, 2005. However, the City had not yet received a definitive recommendation from the Historic Commission.

Mayor Connors stated that it was likely not even legal for the City Council to consider the issue until after the Historic Preservation Commission had reviewed the proposal and given their recommendation.

Mr. Forbush suggested the City Council could possibly meet for a special meeting right after next week’s RDA meeting. If Mr. Steed could obtain a recommendation from the Historic Preservation Commission prior to that meeting, the City Council could consider the request.

Mr. Steed commented that he was doing the project to benefit downtown Farmington City at great expense to himself. Several months ago, he had contacted the chairperson of the Historic Preservation Commission who was not in favor of the project. She was the only person who had opposed the design. He felt he was being held up because of one person’s prejudice. Mr. Steed stated it was very costly for him to be delayed in such a manner and expressed frustration at the process.

CONSIDERATION OF STREET DEDICATION FOR AN EXTENDED 50 EAST STREET AT APPROXIMATELY 800 SOUTH (Agenda Item #8)

According to the staff report prepared by the City Planner, the Planning Commission voted on December 4, 2003, to approve an application from Butler & Evans Architects to expand a church parking lot located at 825 South 50 East. Several months later the Planning Commission also granted the applicant an extension of time to implement their parking lot expansion plans. As a condition of approval, the Planning Commission also required the applicant to extend 50 East Street to the new northern boundary of the church property. The street dedication plat necessary to fulfill this requirement must be approved by the City Council. Therefore, City staff recommended that the City Council approve a dedication plat for the northerly extension of 50 East Street subject to all of the conditions of the Planning Commission approval.

Motion

Sid Young moved that the City Council accept the street dedication for an extended 50 East Street at approximately 800 South subject to conditions as set forth by the Planning Commission in a letter dated January 14, 2004. **Rick Dutson** seconded the motion, which passed by unanimous vote.

**REVIEW OF PROPOSAL FOR BOUNDARY ADJUSTMENT OF CITY PROPERTY
SUBMITTED BY JAY NERSISIAN NEAR LOT 304 OF POINTE OF VIEW
SUBDIVISION/MAX FORBUSH (Agenda Item #9)**

Packet information explained that Jay Nersisian lived at 173 Pointe of View Circle, Lot 304 in the Pointe of View Subdivision. The back of his property was a steep hill that abuts a parcel of ground owned by the City. The parcel owned by the City also abuts Lot 303 of the same subdivision, and stopped at North Compton Road. This parcel was used as a storm water detention basin. The hill and parcel owned by the City were currently not landscaped and were covered with weeds and other vegetation. Mr. Nersisian requested that the City transfer a portion of the City-owned parcel behind Lots 303 and 304 to him. This would allow him to build an access from Compton Drive to the back of his property. He would landscape and maintain the property in exchange for the transfer to his ownership. He had not offered to pay anything for the property. A very rough estimate of the size of the requested parcel was .3 acre. Mr. Nersisian offered to stake out the proposed property lines to get a more accurate idea of the acreage if this concept was acceptable.

Mr. Forbush stated that Staff, including the City Engineer, generally supported the proposal by Mr. Nersisian. Staff believed that building a retaining wall on the south side of an adjusted new boundary of Lot 304 would stabilize the hillside and minimize fire hazards. The City Manager had a question about the need for a maintenance road below the rock retaining wall for access to a storm sewer inlet box. He asked if the Council Members were conceptually agreeable to the proposal. He said it was an ideal resolution to erosion and drainage problems in a sensitive area.

After discussion, the City Council, by consensus, requested the City Manager research more information regarding the legality and specifics of the proposal. Could the City give away property without compensation or showing an accrued value to the City?

**REQUEST FOR REIMBURSEMENT OF STORM WATER IMPACT FEES/ JEFF AND
JULIE NEMELKA (Agenda Item #10)**

Mr. Forbush introduced the agenda item. He referred to a letter submitted by Jeff and Julie Nemekla requesting a reimbursement of storm water impact fees for one acre of their two acre lot located at 163 south 1525 West. Their reasoning was that the back acre of their property naturally drained into wetlands to the east of their land, therefore, no storm water impact fees should be required.

The staff report by Mr. Petersen stated storm water impact fees are assessed on a per acre basis in Farmington. Although the Nemelka's are not adding pervious surface to the back of their

parcel, the impact fee schedule does not discriminate on the basis of lot size. According to the schedule, the Nemelka's should pay the fee, but no fee should be charged in the future if the parcel experiences further residential development.

Apparently the Nemelka's back acre flows in some wetlands east of their property. Waters from this wetland flow in a southwesterly direction to an area proposed for a regional detention basin as identified on the City's Storm Water Master Plan. This detention basin was a system improvement and would be paid for by impact fees.

Mayor Connors stated that to consider the request would set a precedence and others would want the storm water impact fee considered on a lot by lot basis. The only way to give valid consideration to the Nemelka request was to change the ordinance.

The request died due to lack of a motion.

MINUTE MOTION APPROVING BUSINESS OF CONSENT (Agenda Item #11)

In discussion of the agenda item, **Susan Holmes** requested the addition of Rachel Wells to item # 4. In further discussion, it was decided to eliminate the terms of office stated in item #4 until a schedule could be established that would provide for the staggering of term lengths.

David Hale moved that the City Council approve the following items by consent:

1. Ratification of Construction Bond Agreements previously signed by Mayor Connors.
2. Approval of February's Disbursement List. If any member of the Governing Body has any questions, please call Keith Johnson prior to the meeting.
3. Approval of Bond Agreement with Blakewood LLC.
4. Anointment of new members to Leisure Services Board and Arts Council (adding the name of Rachel Wells and eliminating the terms of office for now).
5. Approval of Leisure Services Agreement with Kristeen Lindorff.
6. Appointment of members to the Historical Preservation Commission.
7. Ratification of payment of total reimbursement of amount owed to Creekside Land Development, LLC, with approval of attached "Agreement of Accord and Satisfaction and Release" pertaining to Shepard Creek Estates culinary water reservoir.

Sid Young seconded the motion, which passed by unanimous vote.

AMENDMENT NO. 1 TO DEVELOPMENT AGREEMENT FOR MILLER MEADOWS SUBDIVISION (FIRST READING)/ MAX FORBUSH AND DAVID PETERSEN (Agenda Item #12)

Mr. Forbush introduced the agenda item. Amendment No. 1 to the Development Agreement for Miller Meadows Subdivision set forth cost sharing guidelines for installation of the storm sewer system. The City Manager explained the details of the agreement, including the City's responsibility by percentage for each area of the system.

By consensus, the City Council gave conceptual approval for the City Manger's proposal. Mr. Forbush stated he would finalize the document and bring it back to the Council for their final review and approval.

AMENDMENT NO. 5 TO DEVELOPMENT AGREEMENT FOR FARMINGTON CREEK ESTATES, PHASE II (PUD)/ DAVID PETERSEN (Agenda Item #13)

Mr. Petersen reviewed the details of Amendment No. 5 to the Development Agreement for Farmington Creek Estates, Phase II (PUD). The developer had agreed to pay one-half of the parks and recreation fees immediately, which he had done. The developer agreed to pay the other half of the fees by September of 2005. The agenda item was a formalization of an item conceptually approved by the City Council during their last meeting. The agreement was recommended by staff.

Motion

David Hale moved that the City Council approve Amendment No. 5 to the Development Agreement for Farmington Creek Estates, Phase II (PUD) as presented. **Rick Dutson** seconded the motion, which passed by unanimous vote.

HUNTERS' CREEK SUBDIVISION IMPROVEMENTS AGREEMENTS/DAVID PETERSEN AND MAX FORBUSH (Agenda Item #14) and MCKITTRICK SUBDIVISION IMPROVEMENTS AGREEMENT/MAX FORBUSH AND DAVID PETERSEN (Agenda Item #15)

Mr. Petersen suggested that Agenda Items #14 and #15 be considered together because of their close relationship. He detailed the improvements agreement and explained the different segments of road improvements that were being proposed. The original transportation design (designated A, B, and C) required a new railroad crossing. See enclosed exhibit illustrating segments A, B, & C which are herein incorporated as part of the official minutes. It was not possible to create a crossing without first closing two other crossings. It became necessary, therefore, to redesign the road to a more westerly location and make it a minor collector. What were being called segments X,

Y, and Z would be short term solutions to the traffic needs in the area until the minor collector to the west could be constructed by developers of the westerly affected properties. See enclosed exhibit illustrating X, Y, and Z which are incorporated as part of the official minutes. Because section Y was a system improvement, it could be added to the capital facilities fund and construction costs could be reimbursed to the current developer through impact fees. Segment Z was not a system improvement. Staff had discussed issues with the developer. There were some environmental issues. Also, Staff had requested signs be placed at one of the railroad crossings to help with safety at that crossing. The City Attorney had been asked to assist in wording of an appropriate sign for the area. Language regarding the signage had been added to the amended agreement.

Mr. Forbush stated there were issues with the agreement that the City Council needed to thoroughly understand. The current amendment being considered dissolves previous agreements with the developer. Such previous agreements called for the improvement of segments A, B, and C. Improvements on segment A would no longer be required immediately of Woodside Homes. Nor would the development triggers for segments B and C be applicable. Woodside Homes did agree they would be willing to address improvements on segments B and C when the Shepard East development was negotiated.

Mr. Petersen stated that the developer would still be preserving a corridor for segments A, B, and C. Improvements for segments B and C would be considered when the property to the east was developed.

Mayor Connors stated the City Council would need to know that segment A was not being eliminated as a transportation corridor. He invited Nate Pugsley (developer) to address the Council.

Mr. Pugsley gave a history of the agreements and stated the amendment had been proposed as a benefit to the City. The plan was frankly problematic and a hindrance to the progress of the development. He stated that he was willing to negotiate the improvements on segments B and C at the time the East Shepard development was considered. The new plan presented in the amended agreement served the property without the need of segment A. He wondered if the City was now demanding immediate improvement of segment A.

Mayor Connors stated that the City was not in a position to give approval if the corridor for segment A was eliminated. That may be a transportation corridor needed in the future.

Mr. Pugsley stated that a 146 foot wide strip of land was being donated to the City to provide a corridor for segment A.

Mr. Young felt that the Council did not have a clear understanding of what was being proposed. He wondered if an aerial map could be provided or possibly a field trip could be taken to help clarify the issues.

Ms. Holmes was uncomfortable about changing the plat after approval had been given. It would be important for the City to maintain a transportation corridor along segments A, B, and C. And it was disquieting to know that those segments were not in the current agreement. She also expressed concern about the impact of road improvements on the existing homes.

In an attempt to clarify the issue, **Mr. Forbush** said the Council was being asked to decide if they were willing to accept a substandard crossing at the railroad crossing over segment Z. The crossing was the best that could be done under the present circumstances. It was recommended that this happen in order to provide for transportation needs until the westerly minor collector could be constructed at the time of development. Timing on development was not known. The railroad crossing over segment B had been discussed with UTA. In the long term it would make more sense to have the minor collector constructed to the west. The amendment addressed improvements on the roads with the exception of segment A. Segments B and C were tied to the development to the east, not under current consideration.

Mayor Connors stated the segment A corridor must be preserved and the Council must have assurances that it was preserved.

Mr. Petersen stated that the corridor for segment A was shown on the preliminary plat. The preliminary plat and the attendant development agreement would be recorded against the property. That being the case, the developer's hands would be tied and the segment A corridor would be preserved regardless of the status of segments A, B, and C. The current amendment was an "improvements" agreement.

Mr. Forbush suggested that the agreements in Agenda Items #14 and #15 be approved conditional upon the review of the Mayor, the City Attorney, and Staff.

Mr. Petersen reported that the impact fees and reimbursement agreement had not been completed by the City Attorney. Also, the costs estimates to be provided by the City Engineer had not been completed. It would be important to have those two elements reviewed.

Motion for Agenda Item # 14

Susan Holmes moved that the City Council approve the Hunters' Creek Subdivision Improvements Agreement with changes on page 3 and the addition of the impact fees and reimbursement schedule and the cost estimate subject to final review by the Mayor, the City Attorney, and the City Engineer. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Motion on Agenda Item #15

Susan Holmes moved that the City Council approve the McKittrick Subdivision Improvements Agreement with the addition of the impact fees and reimbursement schedule and the cost estimate subject to final review by the Mayor, the City Attorney, and the City Engineer. **Larry Haugen** seconded the motion, which passed by unanimous vote.

COMPTON BENCH DEBRIS BASIN MAINTENANCE AGREEMENT WITH DAVIS COUNTY/MAX FORBUSH (Agenda Item #16)

Mr. Forbush stated that the agreement assigned liability to the City. The City had drafted the proposal. The County had reviewed the agreement.

Mayor Connors caught a word change that needed to be made.

Motion

Sid Young moved that the City Council approve the Compton Bench Debris Basin Maintenance Agreement with Davis County with the change as indicated. **Rick Dutson** seconded the motion, which passed by unanimous vote.

REPORT OF PLANNING COMMISSION (Agenda Item #17)

David Petersen reported proceedings of the Planning Commission meeting held March 10, 2005. He covered the following items:

- The Planning Commission granted schematic plan approval for the request to create a 2 acre subdivision consisting of 2 lots and 1 parcel located at approximately 1300 West 475 South subject to a deed restriction acceptable to the City restricting any residential development of the open space parcel in perpetuity.
- The developer (Symphony Homes) withdrew a request for a recommendation to amend the Farmington General Land Use Plan by re-designating property west of the 4218 contour line but east of I-15 between the frontage road and 200 East and north of Lund Lane from development restrictions of “very low density and/or agriculture open space” to “low density residential.”
- The Planning Commission tabled consideration of the Cindy Morrow and Larry Alsup agenda item for two weeks (until the Planning Commission meeting planned for March 24, 2005) to allow the applicant time to investigate alternatives regarding mitigation of the demolished Hinman home. Those alternatives may include, but are not limited to: 1) The cost and possibility of moving a similarly sized threatened historic structure to the location of the original Hinman house, including a specific structure available for relocation mentioned previously in the meeting. 2) The cost

and possibility of constructing a structure at the same location similar in size and appearance to the old structure which existed previously. The new structure must comply with City ordinances regarding construction and use. And 3) the potential of establishing a bond or escrow account with the City for the future construction of an acceptable structure on the old house site. The applicant would, in the mean time, be permitted to continue construction of their new home on the site. If the applicant does not comply with the conditions as set forth in the motion, the conditional use permit may be revoked or a stop work order may be issued.

- The Planning Commission recommended amendment of sections 11-11-060(C), 11-11-060 and 11-11-070, 11-13-050 and 11-13-060, 11-28-070, 11-32-106(1)(A), 11-32-106(2)(A), and 11-30-105(1) regarding accessory buildings, driveway widths and locations, and drainage and erosion control plans.
- The Planning Commission recommended that the City Council vacate the street right-of-way width of 32 feet from the opening of the cul-de-sac to beginning of the Rice property and that the applicant improve a 20 foot wide lane for access at the souther end of Davis Creek Drive (50 East), and that the remainder of the abandoned right-of-way be deeded to the adjoining property owners.

CLARK LANE HISTORIC DISTRICT LETTER REVIEW/MAX FORBUSH (Agenda Item #18)

Mr. Forbush stated that transportation needs in the City have many neighborhoods asking for protection from negative traffic impact. Development on Park Lane will impact a wide area, including Clark Lane residents. The Clark Lane residents had made a request regarding the frontage road proposed for the west side of I-15. They would like the City to evaluate their proposal and research possibilities with UDOT. They also wanted the City to look at developing an intersection at Glover Lane which would lessen the traffic impact on south State Street (Clark Lane).

REQUEST FOR JOINT PLANNING COMMISSION/CITY COUNCIL MEETING PERTAINING TO “THE VILLAGE AT OLD FARM”/ DAVID DIXON (Agenda Item #19)

Mr. Forbush stated that David Dixon had been working with residents and the Gardner Developers regarding development in northern Farmington. Mr. Dixon had requested a joint meeting with both the City Council and the Planning Commission to review ideas for the development so that questions regarding the plans could be answered for both groups at the same time.

Ms. Holmes stated she thought the normal procedure for development applications should be followed.

Mr. Hale asked regarding the committee work on the MNU zone text. Staff reported the committee would be working on the text for at least one more week.

Mayor Connors said he felt it was the sense of the Council that the NMU zone text be reviewed and approved prior to any consideration of proposals that could fall under the NMU zone. Council members wanted to follow established procedures.

DISCUSSION REGARDING TRAIL HEAD AT WEST END OF CLARK LANE NEAR BUFFALO RANCHES/MAX FORBUSH (Agenda Item #20)

Mr. Forbush explained the suggested change in the location of the proposed trail head at the west end of the Clark Lane near Buffalo Ranches to allow the developer to sell the lot previously planned for the trail head. David Petersen and Walt Hokanson had met with the Boyer developers and had worked out some alternative locations. Mr. Moffat (representing the developer) suggested two specific alternatives. Of the two, City Staff recommended alternative #2 as illustrated on the aerial in the packet. This alternative would locate the trailhead on the south side of Clark Lane under the power transmission lines southeasterly and adjacent to the entrance of the Buffalo Ranch complex.

By consensus, the City Council granted conceptual approval of the new trail head location.

MISCELLANEOUS

Annexation Petition

Mr. Forbush stated that the annexation petition from Landform, L.L.C. had been adopted for study during the last City Council meeting. The property under consideration was near the Oakridge area. The applicant had contacted the City Offices during the past week and requested an addition of property to the petition. According to City procedures, the petition resolution had to be repealed and then replaced with the new petition.

Motion

Susan Holmes moved that the City Council repeal Resolution No. 2005-07, a resolution receiving an annexation petition from Landform, L.L.C., for consideration by Farmington City, dated March 2, 2005, and replace said Resolution with Resolution No. 2005-10, a resolution receiving an annexation petition from Landform, L.L.C., including the additional 15 feet of property as requested by the applicant, for consideration by Farmington City. **Larry Haugen** seconded the motion, which passed by unanimous vote.

Newsletter

Ms. Holmes asked that the City Council review the rough draft of the *Newsletter* and get any suggested changes to her by Monday, March 21.

Bus Rapid Transit projects

Mr. Young reported having met with citizens and Greg Scott regarding the Bus Rapid Transit (BRT) through Farmington. Some citizens have said that if there was no rail and if there was not a dedicated lane for the bus, they may consider not opposing the 200 East and State Street route. Citizens were still hesitant regarding ridership and if UTA was following due diligence in studying the ramifications and justifications of the project.

Mr. Forbush commented that State Street was very wide and encouraged speed. The addition of a dedicated lane would help provide a traffic calming effect. If a dedicated lane was not designed for the BRT, then there should be a median or other traffic calming device. He also reported that Horrocks & Associates, consultants, are suggesting that BRT systems and roundabouts do not mix.

Foothill uses

Mr. Young reported having met with Mr. Daniels who had raised concerns about shooting and use of motorized vehicles in the foothills. The issues were difficult to resolve. The Problems Resolution Committee were contemplating requesting the following to help resolve the issue: 1) installing permanent, hard to vandalize, signs directing no motorized vehicles and no shooting within City limits, 2) reviewing the possibility of increasing police patrols for the area, including an increase in the budget to pay for the patrols, and 3) working with the County to expedite improvement of the new fire break road.

Ms. Holmes suggested the City Council create an ordinance that would impose fines for non-compliance.

It was suggested that the Problems Resolution Committee meet with interested parties on April 6th from 6 P.M. to 6:30 P.M.

Tree Trimming

Mr. Forbush stated there had been a lot of citizen input regarding the trimming of the City trees along Main Street. He suggested the Problems Resolution Committee meet regarding the issue on April 6th from 5 P.M. to 6 P.M.

Proclamation opposing child abuse

By consensus, the City Council approved Mayor Connors signature of a proclamation opposing child abuse.

ADJOURNMENT TO CLOSED SESSION

Larry Haugen moved that the City Council adjourn to closed session to discuss strategy as it relates to pending litigation at 11:00 P.M. **David Hale** seconded the motion, which passed by unanimous vote.

A motion to go back into open session was made by **David Hale** at 11:10 p.m. A second to the motion was made by **Larry Haugen**. The motion passed with all Council Members voting in favor.

The City Manager brought up the issue of liability insurance coverage for volunteers for different City-sponsored events and also if they would be covered under the Workers Compensation Fund. He will do more research and bring the information back to the Council at a future meeting.

ADJOURNMENT

Thereupon **David Hale** moved that the meeting adjourn at 11:20 p.m. **Sid Young** seconded the motion, which passed by unanimous vote.

Margy Lomax, City Recorder
Farmington City